



## US Army Corps of Engineers

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435



# Public Notice

FILE NO.:	<u>General Permit-19</u>
EVALUATOR:	<u>Ms. Anne Woerner</u>
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DATE:	<u>July 24, 2003</u>
EXPIRATION DATE:	<u>August 25, 2003</u>

FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES  
ASSOCIATED WITH THE EXPLORATION FOR AND SUBSEQUENT  
PRODUCTION OF HYDROCARBONS

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN  
ARKANSAS, LOUISIANA, AND MISSISSIPPI

BY WHOM: THE DISTRICT ENGINEER ON BEHALF OF THE OIL AND GAS  
INDUSTRY

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality and the Mississippi Department of Environmental Quality are considering reissuance of a General Permit and State Water Quality Certifications for activities described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-FP and the appropriate State Agency listed below. Comments must reach these offices by the expiration date cited above.

In Arkansas, comments should be directed to the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913.

In Louisiana, a water quality certification is required in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217). Comments should be forwarded to the Louisiana Department of Environmental Quality, Office of Water Resources, Water Pollution Control Division, Post Office Box 82215, Baton Rouge, Louisiana 70884. The Louisiana Department of Environmental Quality has additional information on file in their office in Baton Rouge and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained from the Louisiana Department of Environmental Quality upon payment of

the cost of printing. The Louisiana Department of Environmental Quality will make a final decision on the water quality certification pertaining to this General Permit within 30 days after expiration of this notice.

In Mississippi, comments should be directed to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 10385, Jackson, Mississippi 39289-0385.

The U.S. Army Corps of Engineers, Vicksburg District, is currently considering reissuance of a Department of the Army General Permit for construction activities in waters of the United States conducted in conjunction with the exploration for and subsequent production of hydrocarbons and for the associated discharge of dredged and fill material. These activities include the construction of roads, mud and reserve pits, and associated levees, the construction of earthen mounds for the pump, treater, and tank battery, and for the construction of a firewall around the tank battery. A map of the Vicksburg District (enclosure 1) and typical construction drawings (enclosure 2) are attached.

This proposed General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application will be required for individual permits. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the

requirements for issuance of General Permits was made using information, which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District will obtain water quality certification from the Mississippi Department of Environmental Quality, the Arkansas Department of Environmental Quality, and the Louisiana Department of Environmental Quality stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 45 DAYS PRIOR TO CONDUCTING THE WORK:

a. State the number of the General Permit under which the work is to be conducted. (General Permit - 19)

b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

c. A location plat showing the proposed worksite (including section, Township, Range, County or Parish, and State), existing wells, roads, and streams within 1,500 feet of the proposed site; also a USGS quadrangle map depicting the area of potential development, the location of the proposed well(s), and proposed access road(s) to the location(s).

d. A drawing of the proposed structures including elevations (when available), dimensions, total area impacted in acres, (5-acre maximum wetland impact), amounts of excavated and fill material in cubic yards, and a site description including soil type, vegetation, and hydrology of the area.

e. Estimated starting dates of work.

f. Name, mailing address, and telephone number of (person/agency) applying for authorization and the operator of the well and the well number (please name and/or number any offset sites included in each application).

g. For work proposed on or adjacent to any stream in Louisiana's Natural and Scenic Rivers System, the applicant must obtain a permit from the Louisiana Department of Wildlife and Fisheries, and submit it with their request for authorization under this General Permit.

h. When activities authorized under this General Permit result in a loss of wetland functions and values, compensatory mitigation will be required. In addition to site restoration, not less than 1 acre of restoration/reforestation for each acre impacted will be acceptable. Examples of acceptable mitigation plans are described below.

Applicants shall submit proof of mitigation for the initial well, and a mitigation plan for all other wells with their request for authorization. Proof of mitigation for each offset shall be furnished to the Corps of Engineers CONCURRENT WITH initiation of work at that site. For convenience, an OFFSET/PRODUCTION ACTIVITY CARD will be furnished to the permittee for each offset and/or production facility. This card shall be completed and returned to the Corps of Engineers CONCURRENT WITH initiation of work at each offset/production site. Additional wells or production facilities NOT covered by the General Permit authorization will require a separate request.

#### MITIGATION:

The following examples of acceptable mitigation are provided for your convenience. THESE ARE ONLY EXAMPLES AND MITIGATION PLANS ARE NOT LIMITED TO THESE EXAMPLES. Any mitigation plan submitted by applicants will be considered.

#### EXAMPLES:

1. A letter from a State or Federal Wildlife Management Area/Refuge (WMA/NWR) stating that an agreement has been reached between the applicant and the Manager of the WMA/NWR to reforest an area appropriate for mitigation on the WMA/NWR with bottomland hardwood species.

2. A reforestation plan which shows an area that is acceptable for mitigation. The plan shall include location, soil type, hydrology of the area, species to be planted, planting time, and a signed letter of concurrence from the property owner if different from the applicant. Reforested areas shall follow the recommended State forestry agency's planting guidelines for bottomland hardwoods. The mitigation area shall have a survival rate of 50 percent at the end of the second growing season. If

a 50-percent survival rate is not maintained at the end of the second growing season, the applicant shall replant according to State Forestry guidelines to establish at least a 50-percent coverage of the mitigation area.

3. A letter from an approved organization/wetlands bank indicating that they will accomplish restoration or enhancement of wetland functions and values that would be lost due to project construction. These organizations/banks must be approved by the Corps of Engineers and will provide an annual accounting to the Corps of Engineers of the completed mitigation, as well as monitoring reports which include seedling survival rates. These reports should be provided to the Corps in September of each year.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.

Special Conditions:

a. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of five acres for all work (including all access roads or portions of access roads that require a Department of the Army permit). All proposals for hydrocarbon exploration/production activities shall reduce the area of impact to the minimum area absolutely necessary for construction.

b. Site restorations shall be as follows:

1. Completion of Drilling Activities: Within 60 days , after removal of the drilling rig, all areas not needed for testing and production facilities shall be restored to original contours. Drilling mud shall be removed and disposed of according to State and Federal regulations. This means that the drilling mud shall be removed and taken to an approved disposal area or spread at the site in a manner approved by the State. The mud pit shall be filled with compactable fill material to pre-existing contours. All board roads and any other extraneous construction material shall be removed from the site. All disturbed areas shall be seeded to prevent erosion.

2. Completion of Production Activities: Within 60 days after plugging and abandonment, the remainder of the lands used shall likewise be restored to the original contours, including

the removal of all board roads and any other extraneous construction material, and the site shall be seeded to prevent erosion.

The 60-day period may be extended by the Corps of Engineers when justified and after consultation with the land managing agency for work occurring on refuges or wildlife management areas.

The operator shall return the Certification of Compliance indicating the date of completion and/or the date of abandonment.

c. The right-of-way for access roads shall be limited to a maximum width of 30 feet for access to all exploration and production sites, except in the Monroe Gas Field. In the Monroe Gas Field, a maximum of a 16-foot-wide right-of-way shall be allowed, unless otherwise waived by the managing agency. Access roads shall follow the existing rights-of-way whenever possible to minimize environmental impacts. Clearing of vegetation shall be kept to a minimum.

d. No activity which may adversely impact a site listed in or eligible for listing in the National Register of Historic Places shall be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site such as an Indian Mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

e. The discharge shall not occur in a Coastal Zone Management Area without the appropriate State Authorization. The coastal zone approval shall be submitted with the request for authorization under this General Permit. In order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons proposing work are required to send complete plans to the appropriate state at one of the following addresses:

Mississippi Department of Marine Resources  
1141 Bayview Avenue  
Suite 101  
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources  
Coastal Management Division  
Post Office Box 44487  
Baton Rouge, Louisiana 70804-4487

f. Containment basin dikes around the pump, treater, and tank battery shall be constructed and maintained in accordance with applicable State and Federal regulations including 40 CFR 112 (Spill Prevention Control and Counter Measures Plan).

g. During low water stages, drilling of oil or gas wells is not permitted within 250 feet landward of the toe of any levee built with Federal funds or within 1,500 feet of the levee toe during flood stages or overbank flows.

h. The permittee shall operate the facility in a manner that will not interfere with navigation. The permitted structure shall be marked and/or lighted according to U.S. Coast Guard regulations.

i. Culverts or other suitable structures shall be placed and maintained in road crossings at all natural drains and as necessary to prevent ponding in order to maintain the natural flow regime or as specified by the managing agency for work on refuges.

j. Any conditions on the water quality certifications issued from the State in which the work is proposed will be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.

k. No activity that is likely to adversely affect Federally-listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this General Permit.

l. All flowlines/pipelines shall be placed along existing roads, unless otherwise required by the Land Managing Agency and approved by the Corps of Engineers.

m. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.

n. Any borrow pits necessary for road fills must be discontinuous and shall not function as drainage ditches.

General Conditions:

a. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.



(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

Further Information:

a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.


b. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

c. The U.S. Army Corps of Engineers is soliciting comments from Federal, State, and local agencies and officials, Indian Tribes, and the public and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

e. Please bring this announcement to the attention of anyone you know who may be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

  
Frederick L. Clapp, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures